

THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

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PER ED
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DAVID J. CATANZARO,

Case No. 3:15-cv-00556

VS.

JURY TRIAL DEMANDED

SPIN MASTER, LTD;
and DOES 1 THROUGH 50

THE HONORABLE
JUDGE MALACHY E MANNION

MOTION TO REOPEN CASE NO. 3:15-V-00556

HAVING A PRIORITY DATE OF 11-4-22, THE DATE OF THE FILING OF THIS

MOTION

This Motion is a request for this Honorable Court to reopen Case No. 3:15-V-00556 having a priority date of 11-4-22 the date of the filling this motion.

RELEVANT FACTS

1. Plaintiff is the owner of United States Patent No. 7,653,959 B1 (the "959 patent") the patent in contention within this case
2. The "959 patent is a continuation of U.S. Patent No. 6,026,532 (the "532 patent") which was assigned to the Church & Dwight Co. on February 28, 2011, as part of a settlement agreement during a patent infringement lawsuit (*David Catanzaro v. Procter & Gamble Co. et al.*)
3. The '959 patent contained a Terminal Disclaimer whereby the Disclaimer stated that joint ownership of the '532 and '959 patent was required for the '959 patent to be enforceable.

4. Plaintiff originally filed this patent infringement action on 3-19-15 without having ownership of the '532 patent.
5. Plaintiff dismissed the action on 6-17-15 partly because of the ownership issue of the '532 patent.
6. Church & Dwight assigned the '532 patent back to Plaintiff on August 31, 2016 (The Assignment effective date).
7. Plaintiff has full legal right to commence this matter now owning both the "532 and the "959 patents.
8. The '959 patent issued on February 2, 2010 and expired on December 30, 2016. Under section 286 of the patent act, Plaintiff has the sole right to enforce the "959 patent up to a full six year look back.
9. The time remaining for Plaintiff to enforce the "959 patent, to make a valid claim, is from the day this motion is filed up to December 30, 2022.
10. Original Complaint was never served
11. Plaintiff would like to amend the complaint to reflect the facts stated herein and add a Defendant
12. A Motion for Leave is further being filed this day and includes a First amended complaint, an additional Defendant along with attached Exhibits.

Based on all the facts above, Plaintiff David J Catanzaro hereby asks this Honorable court to reopen case no. 3:15-V-00556, docket the attached First amended complaint and its attachments (as petitioned in Plaintiffs Motion For Leave) and grant the First amended complaint the priority date of the filling of this motion for reasons contained in point 9 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.J. Catanzaro', written over a horizontal line.

David J. Catanzaro

Plaintiff *pro se*

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